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William Richardson's CASE against George Durdant, for Lands
in Staines and Stanwell, in the County of Middlesex.

Robert Durdant, the Father of George Durdant, who now brings this Writ, did at first sell the Lands in question to the Defendant Richardson, only during the Life of the said Robert Durdant; but the said Robert Durdant afterwards being in great want of Moneys; and having then a Wife and several Children to maintain, did importune the Defendant William Richardson to buy the Inheritance of the said Lands. And Mr. Higdon who was a Trustee for the said Robert Durdant for these and other Lands, and the said Durdant's near Kinsman, likewise informed the said Richardson, that the said Robert Durdant had a good Title to the said Lands, and a lawful Right to sell the same, by vertue of the last Will and Testament of one Henry Wicks Esq; deceased. And that the reason why the name of the said Mr. Higdon was used in Trust in the said Will was (and so intended by the said Mr. Wicks) to the intent, that the said Mr. Higdon might (as he saw cause or should think fit) either enable the said Durdant to sell the Inheritance of the said Lands, or obstruct his sale thereof, and the said Mr. Higdon affirmed to the said Richardson, that there was a necessity the said Robert Durdant should sell the said Lands, to some Body for the maintenance of Him, his Wife and Children. And that the said Durdant had several other Lands to keep and suffer to descend to his Son. Thereupon the said Richardson advised with several Counsellors at Law upon the said Will, the words whereof are as followeth, viz.

Item. *I give and bequeath to my Cousin John Higdon and his Heirs, during the Life only of Robert Durdant my Kinsman, Eldest Son of my Nephew Andrew Durdant, deceased. All these my Messuages Lands, Tenements, and Hereditaments, in Staines and Stanwell in the County of Middlesex; upon this trust and confidence that he the said John Higdon, and his Heirs, shall permit, and suffer him the said Robert Durdant, from time to time, during the Term of his Life, to have, receive, and take the Rents and Profits thereof. And from and after the Decease of the said Robert Durdant: then I do give, and devise the said last mentioned Lands in Staines and Stanwell, unto the Heirs Males of the Body of him the said Robert Durdant now living, and such other Heirs Males, or Females, as he shall hereafter happen to have of his Body; and for want of such Heirs, then to the use and behoof of my Cousin Gideon Durdant, and the Heirs of his Body; and for want of such Heirs, the same to be and remain to the right Heirs of me the said Henry Wicks.*

And the said Richardson being advised by his Counsel that the said Robert Durdant, together with the said Mr. Higdon, and the said Gideon Durdant, the remainder man, had a lawful power to sell and convey the Inheritance of the said Lands; he the said Richardson purchased the same of the said Robert Durdant and Gideon Durdant, and paid for the Estate, for Life and the Inheritance in all above 600 l. the Lands being since Let for not above 34 l. per annum; but never had any quiet Enjoyment thereof, since the death of the said Robert Durdant; but shortly after his death, which happened near 18 years, since the Friends and Kindred of the now complainant George Durdant, in his Minority brought a Suit in Chancery against the said Richardson to set aside his Purchase; whereupon after examination of Witnesses, and a full hearing, his Purchase was allowed good, and their Bill dismissed upon the merits of the Cause; whereupon they acquiesced and never appeared, or brought any Bill of Review upon the said dismissal, whereby to bring the Merits of the Cause again in question; but since the said George Durdant coming to Age, hath brought this Suit and put the said Richardson to great expences, and levied 30 l. upon his Goods, and above 50 l. by mean Profits and cutting down of Timber, having obtained a Judgment thereupon, by the Judgment of three of the Judges of his Majesties Court of King Bench. But the said William Richardson thereupon brought a Writ of Error returnable in the Exchequer Chamber, before the Judges of the Common Pleas and Barons of the Exchequer; and by the Judgment of seven Judges, then present, the said William Richardson's Title was declared to be good & the former Judgment reversed. And the said William Richardson was to be restored to what he had lost by the former judgments and accordingly was restored to the possession but never had restitution of the said 30 l. Costs and 50 l. for mean Profits: this Reversal was the 10th. day of February in the 32 year year of his late Majesties Reign, and the Writ of Error now in question is Teste the 4th. day of November in the said 32. year of his said late Majesties Reign, since which time not only the Ejectment Lease, in the Record mentioned is expired but before the said George Durdant the lesser therein named, is dead and the lessee John James is reported to be dead, so that the said Richardson can have no Restitution of the said 30 l. for Costs, and 50 l. for mean Profits; nevertheless some other Persons carry on the said Writ of Error.